

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ELMER VALENTIN SANCHEZ-  
RODRIGUEZ,

Petitioner,

v.

NETHANJAH BREITENBACH, *et al.*,

Respondents.

Case No. 3:24-cv-00032-ART-CSD

ORDER

In this habeas corpus action, the petitioner, Elmer Vanentin Sanchez-Rodriguez, represented by appointed counsel, filed an amended habeas petition on August 2, 2024. (ECF No. 15.) Respondents' response to the amended petition was then due on October 1, 2024. (See ECF No. 7.) On September 30, 2024, Respondents filed a motion for extension of time (ECF No. 20) requesting a 55-day extension of time, to November 25, 2024. Respondents' counsel states that the extension of time is necessary because of their obligations in other cases. Respondents' counsel represents that Sanchez-Rodriguez does not oppose the motion for extension of time. The Court finds that the motion for extension of time is made in good faith and not solely for the purpose of delay, and that there is good cause for the extension of time. The Court will grant the motion for extension of time.

On August 23, 2024, Sanchez-Rodriguez, acting *pro se*, filed a "Traverse Brief" (ECF No. 17), and on August 30, 2024, again acting *pro se*, he filed what appears to be another copy of the same "Traverse Brief" (ECF No. 18). In that document, Sanchez-Rodriguez asserts argument in support of his habeas petition. On September 12, 2024, Respondents filed a motion to strike (ECF No. 19), requesting that Sanchez-Rodriguez's "Traverse Briefs" be stricken. Sanchez-

Rodriguez did not respond to Respondents' motion to strike. Local Rule IA 11-6 provides, in relevant part:

Unless the court orders otherwise, a party who has appeared by attorney cannot while so represented appear or act in the case. This means that once an attorney makes an appearance on behalf of a party, that party may not personally file a document with the court; all filings must thereafter be made by the attorney.

And, Local Rule 7-2 provides, in relevant part:

The failure of an opposing party to file points and authorities in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorney's fees, constitutes a consent to the granting of the motion.

The Court will grant Respondents' motion to strike on the ground of these two local rules.

It is therefore ordered that Respondents' Motion for Enlargement of Time (ECF No. 20) is granted. Respondents will have until and including November 25, 2024, to file an answer or other response to the amended petition for writ of habeas corpus. In all other respects, the schedule for further proceedings set forth in the order entered February 26, 2024 (ECF No. 7) will remain in effect.

It is further ordered that Respondents' Motion to Strike (ECF No. 19) is granted. The Clerk of the Court is directed to strike from the record the "Traverse Briefs" filed at ECF Nos. 17 and 18.

Dated this 2<sup>nd</sup> day of October, 2024.



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ANNE R. TRAUM  
UNITED STATES DISTRICT JUDGE